

THE BEECHER-TILTON TRIAL.

WHAT MRS. OVERTON KNOWS OF THE CASE.

THE REVEREND CONVERSATIONS HAD WITH MR. TILTON. —MRS. TILTON'S DENIAL THAT MR. BEECHER OFFERED HER ANY IMPROPERITY—INCIDENTS OF MRS. TILTON'S SEPARATION FROM HER HUSBAND. —MRS. OVERTON'S ADVISE TO MR. TILTON—THE PLAINTIFF ANNOUNCES HIMSELF A SAMSON WHO WILL PULL DOWN THE TEMPLE—A MIS. PUTNAM A JURYMAN BECOMES FAINT AND THE COURT ADJOURNS.

The direct examination of Mrs. Edward J. Ovington was continued yesterday morning. Her story was a pathetic one, and held the interest of the audience all day. She testified that Mrs. Tilton expressly denied that Mr. Beecher had ever committed any impropriety in her presence. Mrs. Ovington also testified that Mr. Tracy did not dictate to Mrs. Tilton what she was to say before the Investigating Committee. The events of the morning on which Mrs. Tilton left her husband's house were given in detail. Mrs. Sarah C. D. Putnam of Marietta, Ohio, was called as a witness, but her examination by Mr. Beecher was interrupted by the temporary illness of a member of the jury.

PROGRESS OF TESTIMONY FOR THE DEFENSE.

The defense is now fairly under way, and its machinery is running smoothly. In accordance with the request of Mr. Fullerton, Mr. Ovington was present early yesterday morning with a statement of the money received and disbursed for Mrs. Tilton and her children. In examining the accounts, Mr. Ovington had found that he had received \$1,245 from Mr. Storrs, instead of \$875, as he had testified on the previous day. Mr. Ovington stepped from the stand after five minutes of questioning, and his wife took the witness chair. Mrs. Ovington made an admirable impression upon all who heard her testimony. She is a gentle, refined lady, and whatever she knew she told with apparent candor and impartiality. Much of her story, touching as it did the incidents connected with Mrs. Tilton's departure from her husband, was told with pathetic feeling. The witness related the circumstances of Mrs. Tilton's coming to Mr. Ovington's house on the morning when she left her husband. Mr. Tilton followed, and all breakfasted together. Before sitting down Mr. Tilton and Mrs. Ovington talked together about the matter, the former saying to the lady, "Tell me what to do and I will do it." Mrs. Ovington says that she replied, "Do what you think in the sight of God is right." After breakfast Mr. Ovington said to Mr. Tilton, "Why do you push this matter?" Mr. Tilton replied, "I shall be the Samson who will destroy the temple; I will pull down the pillars of the temple, and although Mr. Beecher and my family are crushed, I shall be crushed with them."

When Mr. Tilton was going away he drew his wife and Mrs. Ovington together, placing his hands upon their shoulders saying, "Take care of Elizabeth. Any kindness done to her is more than done to me." He then went away, and after he had gone Mrs. Tilton told Mrs. Ovington for the first time that she had left her husband forever.

Mrs. Ovington testified that, in order to confirm her belief in Mr. Beecher's innocence, she asked Mrs. Tilton whether Mr. Beecher had ever by word or deed offered any impropriety to her. Mrs. Tilton answered "Never."

The details of Gen. Tracy's visit to Mrs. Ovington, and his interview with Mrs. Tilton before the latter was examined by the Investigating Committee, were the subject of inquiry. When it was decided that Mrs. Tilton should go before the Committee she went with Mrs. Ovington to an upper room to hold prayer before giving her testimony. A day or two after Mrs. Tilton had told her story to the Committee, Mrs. Ovington saw Mr. Tilton on the piazza of his house, where he said to her: "Lib's a trump. I am told that she made a fine impression before the Committee. But her story was all fiction." Then followed a long conversation, which was concluded by Mrs. Tilton telling Mrs. Ovington that she might tell Mrs. Tilton what he had said. A sharp discussion—the only one of importance during the day—followed the proposition of the defense to introduce Mrs. Tilton's reply when Mrs. Ovington told her what her husband had said. Mr. Evans and Mr. Beecher took an active part, and Judge Neilson finally decided that the defense could not give the proffered testimony.

A few moments before the recess Mr. Hill announced that he was through with the witness, and Mr. Fullerton immediately began the cross-examination. He had not proceeded far before the luncheon hour arrived. After the interval Mrs. Ovington was questioned in regard to an interview she had with Mr. Beecher before Mrs. Tilton wished her statement to the Investigating Committee. Mrs. Ovington told Mr. Beecher that Mrs. Tilton wished to state the truth, and that she had said, "It may end in a separation from my husband; I may lose every child I have; I may lose every friend I have in the world, but Mrs. Ovington, that will not deter me." Mrs. Ovington exhibited an anxiety to tell all she knew of the affair, and frequently volunteered testimony that legally could not be admitted, but only once did Mr. Fullerton lose his temper. That was when he was trying to make the witness tell him what it was that on the morning when Mr. and Mrs. Tilton breakfasted at Mrs. Ovington's house she (Mrs. Ovington) did not make any inquiries whether Mrs. Tilton had left her home.

Mrs. Ovington repeatedly replied that she could not explain without giving that interview with Mrs. Tilton which had been ruled out, and finally Mr. Fullerton protested with severity against her answer. At another time, when the examiner asked Mrs. Ovington if she had not been told that a report prepared for presentation to the Committee, shown to her by Mr. Tilton, was in Mrs. Tilton's handwriting, the witness leaned forward and enthusiastically replied, "No, Sir; I was not told anything of the kind." "Do not waste strength, Mrs. Ovington," said Mr. Fullerton, and the lady replied, laughing, "Excuse me, Sir; I am very much interested." "So am I—slightly," responded the lawyer with a smile.

A few questions about Bessie Turner and in regard to the number of times that the counsel for the defense had called upon Mrs. Tilton and upon the witnesses were answered, and then Mrs. Ovington was excused.

After a short pause—it being then half-past three o'clock—Mrs. Sarah C. D. Putnam of Marietta, Ohio, was called. Mrs. Putnam is an elderly lady, who has been in attendance in the court-room for several days past. She was a resident of Brooklyn or New-York nearly all the time from her first marriage in 1839 till 1867, the time of her second marriage. She was well acquainted with the Tilton family, and of Mrs. Tilton she said that she never knew a woman so devoted to her husband, her only fault being a blind idolatry of Mr. Tilton.

The court adjourned at this point, and Mrs. Putnam's examination will be continued to-day.

A CROWDED AND UNWHOLESOME COURT-ROOM.

Yesterday was the forty-third day of the trial. Notwithstanding the driving snow-storm the court-room was never more crowded, and more ladies than usual were present. The scene about the lawyers' tables was the same that has become familiar to constant spectators at the trial. The only missing figure was that of Mrs. Tilton, whose continual attendance upon her little boy Ralph will soon be unnecessary as he is rapidly recovering. The cross-examination of Mrs. Ovington was marked by courtesy and politeness, but it was no less searching on that account, and occasionally the weapons of the plaintiff's counsel bristled from behind the shield of suavity and good-nature.

neper representative did not call either to see Mrs. Tilton, Mr. Ovington, or herself. Therefore they took their flight to Richmond, Conn., passing under assumed names. Mrs. Ovington announcing herself as Mrs. Lewis—her maiden name—and Mrs. Tilton as Mrs. Richards. They had some amusing adventures during their trip, the recital of which was heard with relish by the audience. At Richmond the Ovington party heard that a reporter was there, and consequently fled to Fairfield, where Mr. Wallace Caldwell, who accompanied them, accidentally introduced Mrs. Ovington to several persons by her right name. At Washington, Conn., the travelers met some friends, and were therefore obliged to resume their own names.

Considerable alarm and consternation were caused during recess by the report—afterward confirmed—that Theodore Tusch, a reporter of *The Brooklyn Eagle*, who had been in regular attendance at the court-room for several weeks, had been attacked with small-pox in a severe form, and that he had contracted the disease from some one in the trial-room.

While Mrs. Putnam was giving her testimony—at 30 minutes before 4 o'clock—the seventh jurymen, Wm. B. Jeffreys, became faint suddenly, and was conducted to an open window, the occurrence causing an immediate cessation of the examination. Mr. Jeffreys soon recovered, but it was decided not to continue the session, as a second attack might be more severe than the first. The air in the court-room is always bad. It was unusually close and depressing yesterday, as it was impossible to open the windows on account of the snow-storm and the wind.

Mrs. Beecher seemed to be exceedingly ill yesterday, and her presence in the court-room apparently was attended by great suffering. She was warmly wrapped in heavy shawls, and a thick white "cloud" was wound about her head and almost covered her face. She had frequent coughing spells, and was an object of sympathy to all who observed her. Among others present yesterday was the Rev. Charles E. Lord, D. D., and on the bench with Judge Neilson were P. V. Darden, Minister from Guatemala, Salvador, and Honduras; Samuel Nelson White of New-York, and Alderman Trowbridge of Brooklyn.

THE PROCEEDINGS—VERBATIM.

RE-EXAMINATION OF MR. OVERTON.

The Court met at 11 a. m., pursuant to adjournment.

Mr. Hill—A question was asked Mr. Ovington, yesterday, in regard to receipts of money and disbursements, which he prepared to explain this morning.

Judge Neilson—Mr. Ovington, come forward, please.

Edward J. Ovington recalled.

Mr. Hill—Mr. Ovington, since your examination yesterday, have you looked at your accounts and memoranda with a view of making up the statement referred to by Judge Neilson?

Mr. Fullerton—Wait one moment; I do not understand this, Sir.

Judge Neilson—You interrogated him as to disbursements of money.

Mr. Fullerton—Yes, Sir.

Judge Neilson—He said in answer to you that he would furnish a statement this morning.

Mr. Fullerton—I will do my own part of the business, although my brother Hill is about to do it.

Mr. Hill—My brother Hill "proposes to do a little on his own part."

Mr. Fullerton—If my brother Hill will wait until the opportunity comes, when he can do so.

Judge Neilson—[To the witness.] I think the witness is with you on that subject.

Mr. Hill—Yes, Sir, but I have a right to recall the witness.

The Witness—I wish to correct a statement that I made yesterday.

Judge Neilson—You have a right to do that.

Mr. Fullerton—I asked Mr. Ovington if he would furnish me this morning with those items. He said he would. Now, you propose to take it out of my hands and have him do it on your examination.

Mr. Hill—Don't suppose it makes very much difference so long as the Court and jury get it.

Mr. Fullerton—Then you had better let me do it.

Mr. Hill—I propose to do a certain part of it.

Mr. Fullerton—I propose to object to that.

THE MONIES RECEIVED FOR MRS. TILTON'S SUPPORT.

Judge Neilson—[To the witness.] Now, the personal explanation.

The Witness—I wish to make a statement to correct a misstatement that I made yesterday in regard to the amounts of money that were handed to me by Mr. Storrs. I wish to say that my mind has been very much occupied the past two or three months—

Mr. Hill—A little longer, Mr. Ovington.

The Witness—My mind has been very much occupied the past two or three months, and particularly in making preparations for a long business trip in Europe—a purchasing trip—and also the fact that I had not, I think, to my recollection, seen those entries that I made in the book at the time of receiving the money, nor had any one questioned me regarding them, and they had escaped my memory; and in referring to them this morning I found I had made a great mistake in the amounts.

Mr. Hill—What is the mistake?

Mr. Fullerton—One moment, if you please, Mr. Hill.

The Witness—I wrote a statement and brought it with me.

Mr. Fullerton—Where is the statement, Sir? A. Mr. Hill has it.

Q. Will you furnish it to me? A. I will.

Mr. Hill—Here it is. [Handing a paper to Mr. Fullerton.] It is a statement of the receipts.

Mr. Fullerton—Is it a statement of the funds you have received? [Handing witness the paper.] A. Yes, Sir.

Q. It is more than you stated yesterday? A. Considerable.

Q. You received, then, September 4th, 1874, two checks of \$500 each, was it? A. I said yesterday.

Q. Two checks making up \$900? A. Two checks of \$250 each, instead of \$500 as I said yesterday.

Q. Then January 4th, 1875, you received \$745? A. Yes, Sir.

Q. Making an aggregate of \$1,245 in all that you received on that account? A. Yes, Sir.

Q. Now, Mr. Ovington, you were to furnish me with a list of disbursements? A. Yes, Sir; I have done so.

Q. Is that it? [Handing witness a paper.] A. Yes, Sir.

Mr. Fullerton—I propose to have this marked as an exhibit. [Referring to the first paper produced.] That is the paper showing the money received.

[Marked—Exhibit 109.]

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Q. Is there any other paper connected with these accounts that you have? A. I have a paper of little memoranda, which Mr. Hill has.

Q. Little memoranda of what? A. Small disbursements.

Q. Will you furnish it? A. Yes, Sir.

Mr. Hill—Here it is. [Handing Mr. Fullerton a paper.] It represents the list item, or next to the last, the details of the last item.

Mr. Fullerton—That paper now shows you represents the details of the item of \$250.50 on "Exhibit 110," does it? [Handing witness the paper.] A. Yes, Sir.

Mr. Fullerton—That will be marked 111, then.

[Marked—Exhibit 111.]

Q. Do these papers represent all the money that you have received and disbursed, from any source whatever? A. Yes, Sir.

Q. Look at Exhibit No. 110, and say whether the respective charges upon it, with the exception of the \$250 for traveling expenses and board, and the \$250.50 under the head of "Sundry Disbursements"—

Mr. Hill—Please speak a little louder, Mr. Fullerton; I can't hear.

Q. Look at Exhibit No. 110, and say whether the items upon it, except the \$250 for traveling expenses and board, etc., and the charges of \$250.50 under the head of "Sundry Disbursements," were for merchandise for Mrs. Tilton and her children?

Mr. Fullerton—The paper showing how the money was disbursed will be marked 110.

[Marked—Exhibit 110.]

Q. Is there any other paper connected with these accounts that you have? A. I have a paper of little memoranda, which Mr. Hill has.

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traveling expenses from New York to the—, while she was there and returning.

Mr. Hill—Now, may I please your Honor, I offer in evidence the statement of receipts.

Mr. Morris—Way, it is in evidence; we have put it in evidence.

Mr. Hill—I didn't understand you to put it in evidence.

Mr. Beech—Well, it is in evidence and marked.

Mr. Hill—I am satisfied.

Mr. Morris—That is marked as exhibit.

Mr. Hill—I am satisfied. I suppose they were marked for identification. That is all, Mr. Ovington.

MRS. OVERTON RECALLED.

Maria N. Ovington was then recalled, and her direct examination resumed.

Mr. Hill—I will be pardoned for interrupting the line of my examination yesterday for a single moment. [To the witness.] Mrs. Ovington, have you examined any of the items of these two—these three exhibits which are present here? I will call your attention particularly to the two relating to disbursements by your husband. A. I have seen the bills, but the papers that he has brought this morning I have not seen.

Q. The papers themselves? A. No, Sir.

Q. Just look at the papers and see if you recognize any of the items, and if you are familiar with the transactions to which they refer? [Handing witness the papers.]

Judge Neilson—Mr. Hill, I think that we can assume that those money were received and disbursed.

Mr. Hill—That is not all of it, Sir. My friends have chosen to go into this subject.

The Witness—I think I know them much better than my husband does, as I have had the money transactions in many instances with Mrs. Tilton myself, to avoid unpleasant feelings in regard to money matters, as it was a delicate subject.

Q. State whether or not Mrs. Florence was with her mother at all during her absence in the Summer? A. She was at Fairfield.

Q. We arrived in Fairfield on Monday, I think; the following Wednesday, I think it was—the day I am not quite certain—Mrs. Tilton received a letter from Florence saying—

Mr. Fullerton—Never mind!

Mr. Hill—I don't care what the letter said, did Florence come? A. It was in regard to the mistake of her direction to Litchfield. She came to Fairfield, remained with us three or four days, and then returned to her home.

Q. Did you see her when she was in the city? A. Yes, Sir.

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